

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ORUS ASHBY BERKLEY, *et al.*,)
Plaintiffs,)
v.) Case No. 7:17-cv-00357-EKD
MOUNTAIN VALLEY PIPELINE, LLC, *et al.*,)
Defendants.)

FINAL ORDER

By Order entered December 11, 2017, this Court granted the Defendants' Motion to Dismiss on Counts I-III (Dkt. No. 46).

On December 21, 2017, the West Virginia Plaintiffs filed a Motion for Rule 54(b) Certification (Dkt. No. 49), and on January 4, 2018, Defendant Mountain Valley Pipeline, LLC, filed a Response in Opposition (Dkt. No. 52).

On January 9, 2018, the parties jointly filed a Stipulation of Dismissal pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure dismissing with prejudice Count IV of the Plaintiffs' Complaint (Dkt. No. 53).

As there are no issues remaining before the Court subsequent to the parties' Stipulation of Dismissal, the West Virginia Plaintiffs' Motion for Rule 54(b) Certification is DENIED AS MOOT.

Count IV, the sole remaining claim before this Court, is hereby DISMISSED WITH PREJUDICE.

By separate document, the court will enter final judgment.

The clerk is directed to provide a copy of this order and the final judgment to all counsel

of record and to Mark R. Herring, Attorney General of Virginia, Office of the Attorney General,
202 N. Ninth Street, Richmond, Virginia 23219.

Entered: January 9, 2018.

/s/ Elizabeth K. Dillon
Elizabeth K. Dillon
United States District Judge